IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 288 OF 2006

SHRI LAXIMAN KASHINATH NAIK AND 4 ORS., ...Petitioners

Versus

SHRI GANGADHAR RAMA NAIK(SIN.DEC.) REP.BY HIS LEGAL HEIRS AND 3 ORS., ...Respondents

Mr. A.D. Bhobe, Advocate for the Petitioners.
Mr. S.P. Kudchadkar For R. 1 And 2

Coram:- DR. S. RADHAKRISHNAN, J.

Date:- 4th October, 2006

P.C.:

Heard the learned Counsel for the Petitioners and the learned Counsel for the Respondents No.1 and 2.

I have heard the learned Counsel for some time. The learned Counsel for the Petitioners fairly states that the execution application be expeditiously decided by the executing Court. Having regard to the facts and circumstances of the case, the Executing Court is directed to decide the pending Execution Application as expeditiously as possible. It is also made clear that the wall has already been demolished and the respondents are using the access which is without prejudice to the rights and contentions of the parties. The Executing Court shall conduct the inquiry with regard to all the aspects while deciding the application including the issue whether the wall was in existence prior to the Judgment and Decree.

Writ Petition stands disposed of accordingly.

DR. S. RADHAKRISHNAN, J.

sl.